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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,264	11/28/2001	Scott T. Harkey	0100	9137
7590 03/25/2005				
Wendy W. Koba, Esq. PO Box 556 Springtown, PA 18081		EXAMINER TANG, KAREN C		
		ART UNIT PAPER NUMBER		
		2151		

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/000,264

Applicant(s)

HARKEY, SCOTT T.

Examiner

Karen C Tang

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/28/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/11/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

I. Regarding claim 2, the phrase "such" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

II. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Admitted Prior Art hereinafter (AAPA).

1. AAPA discloses A learning network arrangement (refer to Fig 1, Examiner interprets the learning network, 180, as a computer system, 190, learned about any new job requirement information, refer to Col 1, Lines 1-25 and connected to the network, refer to Col 3, Lines 25-45) comprising a plurality of interconnected nodes (elements, A, B, C, D refer to Col 8, Lines 15-20) representing subject matter elements for said learning network, the plurality of interconnected nodes

Art Unit: 2151

including a first set of nodes associated with knowledge objects (knowledge statements, refer to Col 3, Lines 50-60), a second set of nodes associated with learning objects (education, refer to Col 3, Lines 50-60), and a third set of nodes associated with competencies (abilities, refer to Col 3, Lines 50-60), wherein the first, second and third sets of nodes are linked in a pattern unique for each user of said learning network, where a plurality of nodes are linked to form a chunk (set K, refer to Col 7, Lines 50-60), a plurality of chunks are linked to form a schema (Mnew, refer to Col 7, Lines 50-67, and Col 8, Lines 1-5), and a plurality of schemas (database consists a plurality of schemas, refer to Col 8, Lines 5-20) are linked to form the learning network; and at least one query (100, job analysis wizard, refer to Col 9, Lines 15-25) agent for accessing a competency node associated with a query submitted by a user (human resource personnel, refer to Col 9, Lines 40-67), the competency node being linked to associated competency (work oriented dimension, Col 9, Lines 15-25), knowledge and learning nodes.

2. AAPA discloses wherein the network (180, refer to Fig 1) is dynamic (Examiner interprets "dynamic" as updatable, refer to Col 7, Lines 39-45) such that new links are created (refer to Col 7, Lines 15-40) each time a user (human resource personnel, refer to Col 9, Lines 40-67) submits a query (new dimensions, refer to Col 7, Lines 15-40) to said at least one query agent (100, job analysis wizard, refer to Col 9, Lines 15-25).

Art Unit: 2151

3. AAPA discloses wherein the network (180, refer to Fig 1) further comprises subject matter filters (refer to Col 7, Lines 1-10, Col 10, Lines 1-20) to minimize spurious return of information on a query (unimportant or are subject to disagreement among the subject matter experts).

4. AAPA discloses wherein the network (180, refer to Fig 1) comprises a concept engine including a database (110, refer to Col 8, Lines 5-16) for storing concept information (knowledge statement, skills, abilities, refer to Col 3, Lines 45-60) and the linkage (260) between the plurality of nodes in the network (elements, A, B, C, D refer to Col 8, Lines 15-20); and a plurality of data retrieval utilities (190, user terminal, job dimension selection programs, and analysis database, refer to Col 6, Lines 10-25), associated with the concept engine (refer to Col 5, Lines 30-50), for accessing external information sources (internet, it is inherent that internet provides numerous information sources, refer to Col 3, Lines 25-35) and creating knowledge and learning nodes in the learning network.

5. AAPA discloses wherein the plurality of data retrieval utilities (190, user terminal, job dimension selection programs, and analysis database, refer to Col 6, Lines 10-25) are configured to continuously access the external information sources (internet, it is inherent that internet provides numerous information sources, refer to Col 3, Lines 25-35) and create new knowledge and learning nodes (refer to Col 7, Lines 10-50).

Art Unit: 2151

6. AAPA discloses wherein the external sources (internet, it is inherent that internet provides numerous information sources, refer to Col 3, Lines 25-35) comprise both controlled (URL, refer to Col 25-40 - WWW, refer to Col 5, Lines 1-30, which user can defined the where to retrieve information via browsers at diverse geographic location) and uncontrolled (preliminary survey completion by users, which is the information cannot be controlled by the selection program, refer to Col 6, Lines 40-55) sources of information.

7. AAPA discloses wherein the external sources (internet, it is inherent that internet provides numerous information sources, refer to Col 3, Lines 25-35) further comprise learning solutions (knowledge statement, refer to Col 3, Lines 50-60) and a competency (refer to Col 3, Lines 50-67) roadmap (Examiner interprets that when all the dimensions formed together, became a roadmap, refer to Col 6, Lines 10-25).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

  
SALEH NAJJAR  
PRIMARY EXAMINER